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20277	7590	06/10/2009	EXAMINER	
MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096				HASAN, SYED Y
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/525,844	NODA ET AL.	
	Examiner	Art Unit	
	SYED Y. HASAN	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 13 February 2009.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1 - 6 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1 - 6 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>2/25/2005 and 6/10/2008</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 02/13/2009 regarding claims 1 - 6 have been fully considered but they are not persuasive.

In re page 7 applicant claims that claim 6 of this application is an English language translation of allowed claim 1 of Japanese Patent No. 3,915,705 which issued on May 16, 2007 from Japanese Patent App. No. 2003-021854.

In response examiner researched Japanese Patent No. 3,915,705 and found Japanese Publication no. 2004-265459 which was published on Sept. 24, 2004 with an application no. of 2003-021854 published on Jan 30, 2003. In this publication claim 1 is disclosed as.

Claim 1]

A video voice memory means which memorizes an inputted video voice signal temporarily,

A supplementary information memory means which memorizes temporarily supplementary information incidental to said video voice signal,

A memory control means which controls write-in operation and read-out operation of a video voice signal to said video voice memory means, and controls write-in operation and read-out operation of supplementary information to said supplementary information memory means,

It has a recording device which records a video voice signal read from said video voice memory means, and supplementary information read from said supplementary

information memory means on a recording medium one by one,
Said memory control means is equivalent to time taken for record to be started by
recording medium from a recording start demand to said recording medium, or
accumulate a video voice signal of time beyond it in said video voice memory means,
delay it, and record on said recording medium, and. A video signal recorder with which
only time equal to delay of said video voice signal accumulates supplementary
information incidental to said video voice signal in said supplementary information
memory means, delays it, and records it on said recording medium.

Please provide document to substantiate claim1.

In re page 8 applicant argues with respect to claim 1 that Kouyama offers no disclosure or suggestion of processing “auxiliary information appended to the video audio signals”

In response examiner respectfully disagrees. As noted below, Kouyama et al teaches storing the information appended to the video audio signals in the information memorizing section for a time period substantially equal to the delay of the video audio signals to thereby delay the information by an amount of time during which the information is stored (abstract for synchronization and col 2, lines 3 – 32 for delay)

Applicant cannot show non-obviousness by attacking references individually, where as here the rejections are based on combination of references. In re Keller, 208 USPQ 871 (CCPA 1981)

The test for combining references is what the references as a whole would have suggested to one of ordinary skill in the art. In re Sheckler, 168 USPQ 716 (CCPA

1971); In re McLaughlin 170 USPQ 209 (CCPA 1971); In re Young 159 USPQ 725 (CCPA 1968)

Specification is not the measure of invention. Therefore, limitations contained therein can not be read into claims for the purpose of avoiding the prior art. In re Spork, 55 CCPA 743, 386 F.2d 924, 155 USPQ 687 (1968).

Rejection of claim 1 is based on the disclosure of Moe, Yoshida et al and Koyuma et al in combination. Taken in combination all the limitations mentioned in claim 1 have been overcome as mentioned below.

Therefore claim 1 stays rejected.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moe (US 5345430) in view of Yoshida et al (US 6115202) and further in view of Kouyama et al (US 4618890)

Regarding **claim 1**, Moe discloses a video signal recording apparatus (abstract) comprising:

a video and audio memorizing section for temporarily memorizing an inputted

video audio signal (fig 1, 12, col 3, lines 43 – 66, short term storage and col 2, line 60)

a memory control device for controlling write and read operations of the video audio signal with respect to the video and audio memorizing section (fig 4, 40, col 5, lines 41 to col 6 line 5 and col 3, line 2, control module)

a recording device for sequentially recording the video audio signal read from the video and audio memorizing section (fig 1, 13, col 3, lines 43 – 66, long term storage) wherein

the memory control device stores the video audio signals equivalent to a time length equal to or exceeding an amount of time required from a time point when a recording-start request with respect to the recording medium is made until the recording actually starts with respect to the recording medium in the video and audio memorizing section to thereby delay the video audio signals by an amount of time during which the video audio signals are stored and records the delayed video audio signals on the recording medium (col 10, lines 18 – 26)

However Moe does not disclose an auxiliary information memorizing section for temporarily memorizing auxiliary information appended to the video audio signal; a memory control device for controlling write and read operations of the auxiliary information with respect to the auxiliary information memorizing section; and a recording device for sequentially recording the auxiliary information read from the auxiliary information memorizing section on a recording medium, wherein the memory control device further stores the auxiliary information appended to the video audio signals in the auxiliary information memorizing section for a time period substantially

equal to the delay of the video audio signals to thereby delay the auxiliary information by an amount of time during which the auxiliary information is stored and records the delayed auxiliary information on the recording medium.

On the other hand Yoshida et al teaches an auxiliary information memorizing section for temporarily memorizing auxiliary information appended to the video audio signal (col 2, lines 30 – 63, auxiliary information)

a memory control device for controlling write and read operations of the auxiliary information with respect to the auxiliary information memorizing section (fig 1, 100, col 4, lines 14 - 37, controller) and

a recording device for sequentially recording the auxiliary information read from the auxiliary information memorizing section on a recording medium (col 4, lines 26 – 37) wherein

the memory control device records the auxiliary information on the recording medium (col 4, lines 26 – 37 and col 9, lines 34 – 51)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate an auxiliary information memorizing section for temporarily memorizing auxiliary information appended to the video audio signal; a memory control device for controlling write and read operations of the auxiliary information with respect to the auxiliary information memorizing section; and a recording device for sequentially recording the auxiliary information read from the auxiliary information memorizing section on a recording medium, wherein the memory control device records the delayed auxiliary information on the recording medium as taught by Yoshida et al in the

system of Moe in order to produce the auxiliary information independent of the main data.

The combination of Moe and Yoshida et al do not disclose stores the information appended to the video audio signals in the information memorizing section for a time period substantially equal to the delay of the video audio signals to thereby delay the information by an amount of time during which the information is stored.

On the other hand Kouyama et al teaches storing the information appended to the video audio signals in the information memorizing section for a time period substantially equal to the delay of the video audio signals to thereby delay the information by an amount of time during which the information is stored (abstract for synchronization and col 2, lines 3 – 32 for delay)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate storing the information appended to the video audio signals in the information memorizing section for a time period substantially equal to the delay of the video audio signals to thereby delay the information by an amount of time during which the information is stored as taught by Kouyama et al in the combined system of Moe and Yoshida et al in order to synchronize an audio signal accompanying an input composite video signal to a reference composite video signal to which the input composite video signal should be synchronized.

Regarding **claim 4**, Moe discloses a video signal recording apparatus (see claim 1 above) wherein the memory control device controls the write operations with respect to the video and audio memorizing section and the auxiliary information memorizing

section so as to implement an intermittent video photographing per an interval shorter than the amount of time required from the time point when the recording-start request with respect to the recording medium is made until the recording actually starts with respect to the recording medium (col 2, lines 11 to col 3, line 2 and col 3, line 43 to col 4, line 34)

However Moe does not disclose wherein the memory control device controls the write operations with respect to the auxiliary information memorizing section.

On the other hand Yoshida et al teaches wherein the memory control device controls the write operations with respect to the auxiliary information memorizing section (abstract, col 1, line 41 to col 2, line 64)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate wherein the memory control device controls the write operations with respect to the auxiliary information memorizing section as taught by Yoshida et al in the combined system of Moe and Kouyama et al in order to produce the auxiliary information independent of the main data.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moe (US 5345430) in view of Yoshida et al (US 6115202) and further in view of Kouyama et al (US 4618890) and still further in view of Naoya (JP 11205725 A)

Regarding **claim 2**, Moe discloses a video signal recording apparatus (see claim 1 above) but it does not disclose the auxiliary information includes time code information for specifying a chronological position on the video audio signal, absolute time information of the video audio signal, and position information at the time of

photographing the video audio signal.

On the other hand Yoshida et al teaches the auxiliary information includes time code information for specifying a chronological position on the video audio signal (fig 5, col 6, lines 49 – 67) absolute time information of the video audio signal (fig 2B, col 4, lines 43 – 50)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the auxiliary information includes time code information for specifying a chronological position on the video audio signal, absolute time information of the video audio signal, and position information at the time of photographing the video audio signal as taught by Yoshida et al in the system of Moe in order to produce the auxiliary information independent of the main data.

The combination of Moe, Yoshida and Kouyama et al do not disclose physical position information at the time of photographing the video audio signal

On the other hand Naoya teaches physical position information at the time of photographing the video audio signal (Abstract) (This includes GPS with latitude and longitude)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate physical position information at the time of photographing the video audio signal as taught by Naoya in the combined system of Moe, Yoshida et al and Kouyama et al in order to inform the user of a photographed place of a reproduced video image in the case that a video image of a photographed object is reproduced.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moe (US 5345430) in view of Yoshida et al (US 6115202) and further in view of Kouyama et al (US 4618890) and still further in view of Kizu et al (US 5758013)

Regarding **claim 3**, Moe discloses a video signal recording apparatus (see claim 1 above) wherein the recording medium is a recording medium of a tape type (fig 3, 33 and 34, col 5, lines 3 – 10) but it does not disclose that the auxiliary information is a CUE audio signal recorded in a linear track along a longitudinal direction of the tape in the recording medium, wherein the CUE audio signal is an audio signal of a channel optionally selected from the video audio signals or an audio signal combining the optionally selected audio signals of a plurality of channels.

However the combination of Moe, Yoshida et al and Kouyama et al do not disclose the auxiliary information is a CUE audio signal recorded in a linear track along a longitudinal direction of the tape in the recording medium, wherein the CUE audio signal is an audio signal of a channel optionally selected from the audio signal combining the optionally selected audio signals of a plurality of channels

On the other hand Kizu et al teaches that the auxiliary information is a CUE audio signal recorded in a linear track along a longitudinal direction of the tape in the recording medium, wherein the CUE audio signal is an audio signal of a channel optionally selected from the audio signal combining the optionally selected audio signals of a plurality of channels (col 7, lines 17 - 30)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate that the auxiliary information is a CUE audio signal recorded in

a linear track along a longitudinal direction of the tape in the recording medium, wherein the CUE audio signal is an audio signal of a channel optionally selected from the audio signal combining the optionally selected audio signals of a plurality of channels as taught by Kizu et al in the combined system of Moe, Yoshida et al and Koyama et al in order to prevent problems in the editing operation.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moe (US 5345430) in view of Yoshida et al (US 6115202) and further in view of Kouyama et al (US 4618890) and still further in view of Toyoshima et al (JP 04252484 A)

Regarding **claim 5**, Moe discloses a video signal recording apparatus (see claim 1 above) but does not disclose

the recording device reads a time code in the previously recorded auxiliary information previously recoded on the recording medium and positioned immediately prior to a next recording-start position on the recording medium, generates a regeneration value obtained by adding a frame time to the read time code, and replaces the time code in the previously recorded auxiliary information outputted from the auxiliary information memorizing section immediately before the next recording starts with a serial value starting with the regeneration value to thereby record the auxiliary information with the replacing result in the next recording, and the recording device corrects the regeneration value in the generation process thereof by an amount of delay corresponding to a storage volume memorized in the auxiliary information memorizing section to thereby reflect the corrected regeneration value on a state at the time of time code generation so that a time difference between times corresponding to

the time code on the recording medium and the time code generation is eliminated.

On the other hand Yoshida et al teaches that the recording device reads a time code in the previously recorded auxiliary information previously recoded on the recording medium and positioned immediately prior to a next recording-start position on the recording medium generates a regeneration value obtained by adding a frame time to the read time code, and replaces the time code in the previously recorded auxiliary information outputted from the auxiliary information memorizing section immediately before the next recording starts with a serial value starting with the regeneration value to thereby record the auxiliary information with the replacing result in the next recording (col 6, lines 40 to col 7, line 2)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the recording device reads a time code in the previously recorded auxiliary information previously recoded on the recording medium and positioned immediately prior to a next recording-start position on the recording medium, generates a regeneration value obtained by adding a frame time to the read time code, and replaces the time code in the previously recorded auxiliary information outputted from the auxiliary information memorizing section immediately before the next recording starts with a serial value starting with the regeneration value to thereby record the auxiliary information with the replacing result in the next recording as taught by Yoshida et al in the system of Moe in order to produce the auxiliary information independent of the main data.

The combination of Moe, Yoshida et al and Kouyama et al do not disclose the

recording device corrects the regeneration value in the generation process thereof by an amount of delay corresponding to a storage volume memorized in the auxiliary information memorizing section to thereby reflect the corrected regeneration value on a state at the time of time code generation so that a time difference between times corresponding to the time code on the recording medium and the time code generation is eliminated

On the other hand Toyoshima et al teaches the recording device corrects the regeneration value in the generation process thereof by an amount of delay corresponding to a storage volume memorized in the auxiliary information memorizing section to thereby reflect the corrected regeneration value on a state at the time of time code generation so that a time difference between times corresponding to the time code on the recording medium and the time code generation is eliminated (abstract)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the recording device corrects the regeneration value in the generation process thereof by an amount of delay corresponding to a storage volume memorized in the auxiliary information memorizing section to thereby reflect the corrected regeneration value on a state at the time of time code generation so that a time difference between times corresponding to the time code on the recording medium and the time code generation is eliminated as taught by Toyoshima et al in the combined system of Moe, Yoshida et al and Kouyama et al in order to make the relationship between the video signal and the time code coincide with the tape format.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moe (US 5345430) in view of Yoshida et al (US 6115202) in view of Kouyama et al (US 4618890) in view of Naoya (JP 11205725 A) and further in view of Toyoshima et al (JP 04252484 A)

Regarding **claim 6**, Moe, Yoshida et al, Kouyama et al, Naoya and Toyoshima et al disclose a video signal recording apparatus comprising:

a video and audio memorizing section for temporarily memorizing an inputted video audio signal (claim 1 above)

a time code generating section for generating a timecode of said video audio signal (claim 2 above)

an auxiliary information memorizing section for temporarily memorizing auxiliary information appended to said video audio signal including said time code (claims 1 and 2 above)

a recording/reproduction section for recording sequentially a video audio signal read from said video audio memorizing section and auxiliary information read from said auxiliary information memorizing section on a recording medium and reproducing said video audio signal and auxiliary information recorded thereon (claims 1 and 5 above and Yoshida et al col 1, lines 49 – 50 for reproducing) and

a controlling section for:

controlling write and read operations of said video audio signal with respect to said video and audio memorizing section (claim 4 above)

controlling write and read operations of said auxiliary information with respect to said auxiliary information memorizing section and write and read operations of said auxiliary information with respect to said recording/reproduction section (claim 4 above)

storing said video audio signals equivalent to a time length equal to or exceeding an amount of time required from a time point when a recording-start request with respect to the recording medium is made until the recording actually starts with respect to the recording medium to said video and audio memorizing section and thereby delay to record on said recording medium (claim 1 above)

storing said auxiliary information appended to said video audio signals for a time period equal to the delay of said video audio signals to said auxiliary information memorizing section and thereby delay to record on said recording medium (claim 1 above)

reproducing a time code which is included in an auxiliary information recorded previously and located immediately before a recording starting point where said recording/reproduction section starts to record next on said recording medium to maintain as a recorded time code (claims 1 and 2 above and and Yoshida et al col 1, lines 49 – 50 for reproducing)

generating a regeneration value obtained from a time code to which one frame time is added to said recorded time code when a recording starts (claim 5 above)

replacing sequentially said time codes in said auxiliary information out-putted from said auxiliary information memorizing section with time codes in series starting from said regeneration value and thereby recording on said recording medium as a new auxiliary information (claim 5 above) and

correcting said regeneration value for an amount of delay corresponding to a storage volume temporarily memorized in said auxiliary information memorizing section and thus obtaining a corrected time code, and thereafter sequential time codes are generated from said corrected time code though said time code generating section(claim 5 above)

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

Fox et al (US 6064792) discloses signal recorder with deferred recording.

Nagasawa et al (US 6141484) discloses method of and apparatus for editing video signals using a temporary recording medium.

Yoshimura et al (US 4901119) discloses video signal recording and/or reproducing apparatus.

McGrady et al (US 4633331) discloses information signal delay system utilizing random access memory.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Y. Hasan whose telephone number is 571-270-1082. The examiner can normally be reached on 9/8/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. Y. H./
06/01/2009

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621

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